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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,502	05/03/2001	Ming-Chieh Lee	3382-58659	8696
26119	7590	08/11/2006	EXAMINER	
KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204				CHEN, WENPENG
		ART UNIT		PAPER NUMBER
		2624		

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No.	Applicant(s)
	09/849,502	LEE ET AL.
	Examiner	Art Unit
	Wenpeng Chen	2624

All participants (applicant, applicant's representative, PTO personnel):

(1) Wenpeng Chen. (3)\_\_\_\_\_.

(2) Genie Lyons. (4)\_\_\_\_\_.

Date of Interview: 04 August 2006.

Type: a) Telephonic b) Video Conference

c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1 and 34.

Identification of prior art discussed: Astle (US patent 6,026,190) in view of Sugiyama (US patent 5,089,889) and Glatt (US patent 5,926,209).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See the attachment, please.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

WENPENG CHEN  
PRIMARY EXAMINER

  
8/4/06

Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

- The agenda for the interview is attached.
- No agreement was reached. The Examiner maintained the rejection of Claims 1 and 14.

- Some responses are provided below.
  1. To respond to point A in the agenda,

The Examiner pointed out that Glatt teaches adjusting the degree of compression by adjusting the coefficient, size and shape of a filter. This feature is used for improving the feature of "increasing the degree of compression by changing the low-pass filtering based upon an indicator value with a level of a buffer" taught by the combination of Astle and Sugiyama. The argument provided in the agenda did not directly counter the above argument.

2. To respond to point B in the agenda,

The Examiner pointed out the reason for combination was clearly presented in the previous action. His position was not changed.

3. To respond to point C in the agenda,

The Examiner pointed out a kernel of filter includes the size, shape, and weights.

Changing length also changing a kernel of a filter.

4. To respond to point D in the agenda,

The Examiner in the previous action does not modify Sugiyama with Glatt's teaching.

Glatt's teaching was used to modify Astle's system.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**Chen, Wenpeng**

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**From:** Genie Lyons [genie.lyons@klarquist.com]  
**Sent:** Friday, August 04, 2006 1:38 PM  
**To:** Chen, Wenpeng  
**Cc:** Kyle Rinehart; Kelly Aho  
**Subject:** Agenda, Application No. 09/849,502; KS 3382-58659-01

**Agenda for Interview at 11:00 am, today.**

RE: Lee and Lin, "DYNAMIC FILTERING FOR LOSSY COMPRESSION," Patent Application No. 09/849,502 (USA), filed May 3, 2001  
 Attorney Ref. No. 3382-58659-01

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We would like to discuss the following claim:

1. In a computer system with a video encoder, a method for regulating level of a buffer for the video encoder, the method comprising:

determining an indicator value associated with a level of a buffer for a video encoder; and  
 based at least in part upon the indicator value, adjusting median filtering of video information, wherein the median filtering the video information includes median filtering a prediction residual, wherein a kernel defines a neighborhood of values for the median filtering, and wherein the adjusting comprises changing shape of the kernel based at least in part upon the indicator value.

A. Glatt is said to teach or suggest "the feature related to (1) 'changing the kernel of median filtering based upon the indicator value of the buffer' and 'kernel shape.'" [Action, p. 3.] However, Glatt does not so teach.

1. For example, "**indicator value**" is never mentioned in Glatt, as is currently understood.

2. The phrase "**adjusting filter shape**" in "known systems" in Glatt is insufficient to teach or suggest the language of claim 1. For example, Glatt does not otherwise discuss what these "known systems" are, or even what is meant by "adjusting filter shape." It specifically *does not* describe median filters, kernels, or changing the size of the kernel or changing shape of the kernel.

B. The Examiner's combination of Astle with Sugiyama is improper as, at least, Astle filters all frames, and Sugiyama specifically filters only prediction residuals to preserve high frequency components.

C. The Examiner's combination of Astle with Glatt is improper because Astle uses a filter that is linearly adjustable—not a kernel, which is discrete.

D. The Examiner's combination of Sugiyama with Glatt is improper as Glatt does not discuss prediction residuals, let alone selectively filtering prediction residuals, as found in Sugiyama.

Other claim to discuss:

34. The method of claim 1 wherein the determining an indicator value associated with a level of a buffer comprises determining the indicator value based at least in part upon one or more of percentage of the buffer that is full, numerical deviation from a target level associated with level of the buffer,

percentage deviation from a target level of the buffer, percentage of the buffer that is empty, and number of bits used by the buffer.

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